In the High Court of Punjab and Haryana at Chandigarh.

Date of decision:6.9.2007

Gurdev Singh .. Petitioner

Versus

Jasmail Singh .. Respondent.

Present: Mr.NS Bains, Advocate, for the petitioner.

Mr.Paramjit Singh Jammu, Advocate, for the respondent.

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PERMOD KOHLI, J. (Oral):

This revision is directed against the order dated 16.07.2007 passed by the learned Civil Judge (Junior Division), Dabwali, whereby the defence of the defendant-petitioner has been struck off. Vide order dated 11.05.2007, while granting leave to defend the suit, the learned trial Court

had imposed a condition of furnishing bank guarantee to the extent of principal amount. The bank guarantee was required to be furnished within a period of two months from the date of passing of the order i.e.11.05.2007. Admittedly, the bank guarantee has not been furnished. The order dated 16.7.2007, is a consequential order.

At this stage, learned counsel appearing for the petitioner-defendant submits that the petitioner is willing to furnish the bank guarantee as directed by order dated 11.05.2007. However, in view of the expiry of time, he could not do so. He seeks indulgence of this Court for a direction for furnishing bank guarantee and also seeks extension in time for the purpose.

I have heard the learned counsel for the parties at length.

As a matter of fact, the petitioner-defendant should have approached the learned trial Court for extension in time for furnishing bank guarantee. However, in the interest of justice, the impugned order striking off the defence of the petitioner-defendant is set aside and last opportunity is allowed to the petitioner-defendant to furnish the bank guarantee on or before 31.10.2007. He will be entitled to file the written statement only on

furnishing the bank guarantee. If he fails to furnish the bank guarantee within the time stipulated above, the order regarding striking of the defence of the petitioner shall operate.

In view of the above, this revision petition is allowed. No costs.

September 06, 2007. (PERMOD KOHLI)
BLS JUDGE